



FENWICK &amp; WEST LLP

December 18, 2003

GREG T. SUEOKA

EMAIL GSUEOKA@FENWICK.COM  
DIRECT DIAL 650.335.7194Mr. Frederick D. Baron, Esq.  
Cooley Godward LLP  
Five Palo Alto Square  
3000 El Camino Real  
Palo Alto, CA 94306-2155

Re: XHP Microsystems Patent Continuation Applications – Shaoher Pan

Dear Frederick:

Thank you for your letter dated November 25, 2003, addressed to my partner, Darryl Woo. As you may know, I am outside counsel for XHP Microsystems (the "Company") with respect to its patent applications, and wish to address that aspect of your letter. Mr. Woo will be responding separately with respect to the other portions of your letter.

At the outset, we understand that you and your firm are representing Shaoher Pan, and that he is not represented by John Ferrell or his firm on patent matters or otherwise. Accordingly, we will continue to address communications concerning Dr. Pan's continuing obligations with respect to the Company's pending patent applications through you. If you would like us to correspond directly with him on that specific topic, however, please so indicate in writing.

Your letter in part returned what you represented as Dr. Pan's only copies of three patent continuation applications that respectively claim priority from U.S. Patent Application Nos. 10/378,041; 10/378,056; and 10/378,058. We received these back unsigned, and we gather from that purposeful act and your letter that Dr. Pan is refusing to sign them.

As indicated at the top of this letter, Mr. Woo will address the other points of your November 25 letter in separate correspondence.

Sincerely,

FENWICK &amp; WEST LLP

Greg T. Sueoka

cc: Darryl Woo

Silicon Valley Center  
801 California Street  
Mountain View, CA 94041Tel 650.988.8500  
Fax 650.938.5200

www.fenwick.com

Silicon Valley • San Francisco • Washington, DC